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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------------|---------------------|------------------|
| 09/737,035 | 12/14/2000 | Christopher Donald Johnson | 85CF-00102 | 7875 |

7590 10/21/2004

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| EXAMINER |
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GARG, YOGESH C

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| ART UNIT | PAPER NUMBER |
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3625

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,035

Applicant(s)

JOHNSON ET AL.

Examiner

Yogesh C Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Response to Amendment***

1. The examiner acknowledges the applicant's amendment received on July 13, 2004. The applicant has amended claims 1-14 and 17-22. Currently claims 1-24 are pending for examination.

Response to Arguments

2.1 Applicant's arguments, (see Remarks, pages 7-10), filed on July 13, 2004, concerning rejection of claims 1-7 under 35 U.S.C. 101 have been fully considered but they are not persuasive. The applicant's argument that " One specific example of such a method implementation is a computer with a processor programmed to at least one of define clusters of assets by common attributes, perform analytics.....having a combination of attributes " (see Remarks, page 7, line 26-page 8, line 6) is not consistent with the recitations in the currently amended claim 1. In response to the applicant's argument, it is noted that the features upon which applicant relies (i.e., a computer with a processor programmed to at least one of define clusters of assets by common attributes and perform an underwriting process on each sample asset....having a combination of attributes) are not recited in the rejected claim(s). The amended Preamble of claim 1 recites a computer-implemented method for the intended purpose of automated underwriting of a portfolio but this is not considered a limitation and of significance to the body of claim construction because the recited body of claim fully and intrinsically sets forth all of the limitations of the claimed invention which do not specify the use of computer to define clusters of assets by common attributes and perform an underwriting process on each sample asset....having a combination of attributes. See MPEP 2111.02. [... *The claim preamble must be read in the context of the entire claim. The determination of whether preamble*

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recitations are structural limitations or mere statements of purpose or use "can be resolved only on review of the entirety of the [record] to gain an understanding of what the inventors actually invented and intended to encompass by the claim." Coming Glass Works, 868 F.2d at 1257, 9 USPQ2d at 1966. If the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction.].

However, notwithstanding the above analysis the examiner withdraws the rejection of claims 1-7 presented in the earlier office action due to current amendments made in claim 1 by incorporating the use of computer to perform analytics enabling a selection of sample assets from each defined cluster for valuation purpose and then using those sample assets to perform the underwriting process.

2.2. Applicant's arguments, see Remarks, pages 10-11, filed on July 13, 2004, with respect to rejection of claims 1-24 under 35 U.S.C. 112, second paragraph have been fully considered and are persuasive in view of the amendments made to claims 1, 9 and 17. The rejection of claims 1-24 under 35 U.S.C. 112, second paragraph has been withdrawn.

2.3. Applicant's arguments, (see Remarks, pages 11-15), filed on July 13, 2004, concerning rejection of claims 1-24 under 35 U.S.C. 102 (e) as being anticipated by Freeman have been fully considered but they are not persuasive for following reasons.

The applicant argues that the reference Freeman does not teach any of the recited currently amended limitations of independent claims 1, 9 and 17. The examiner respectfully disagrees for the following reasons:

Freeman discloses teaching defining clusters of assets by common attributes, wherein each defined cluster includes assets having common attributes (see at least page 2, paragraph 0017, which describes defining clusters, that is defining portfolios of loans[loans correspond to assets] based on common attributes such as "same age", paragraph 0037, page 3, which describes defining clusters, that is defining families of loans[loans correspond to assets] based on common attributes such as "conforming loans, jumbo loans, government loans", see paragraphs 0051, page 4-paragraph 0063, page 5, which describe defining clusters, that is defining portfolios of loans[loans correspond to assets] based on common attributes such as "delinquency rates, payment past due on the basis of 30 days or 60 days or 90 days, adjusted rate loans, fixed loans, LTV factors, etc".).

Freeman also discloses utilizing the computer to perform analytics that enable a selection of sample assets from each defined cluster for valuation purposes and receiving at the computer a value assigned to each of the sample assets which is based on expert opinion, see at least following:

paragraph 0123, page 10—0125, page 11, "*The system of the present invention lends itself easily to being implemented through use of a general purpose programmable computer as illustrated in FIG. 10. Thus, the general purpose computer 124 communicates with a local database 122 The general purpose computer 124 has the usual complement of peripherals including an operator's console 126, ROM 128, RAM 130 and a hard disk 132. The computer 124 operates under control of major software blocks which perform the dynamic analysis 134 in a manner already described. The main software components are the software routines 136 which handle the development and analysisThe analytical results developed by these software subroutines or blocks 136, 138 and 140 are tabulated in the tabulation software block 150 and outputted through an output software block 152. ... Alternatively, the output may supply the results to the console 126 for visual inspection by the operator. Alternatively, the operator may program the computer 124 via the console 126 to provide yes/no*

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answers as to whether an investment should be made or continued to be made in a particular loan portfolio,

paragraph 0063, page 5, " *FIG. 1B illustrates the significance of maintaining proper distinction lines between various loan instruments based on origination. Still further, each of the broad categories of conforming, jumbo and government loans are further divided (at tier 15) into ARM (adjusted rate mortgages) and fixed loans. The same is true for the next subdivision (grouping) which hierarchically separates the third tier loan groups into low LTV loans and high LTV loans....for the sample shown in FIG. 1B....* "

paragraph 0078, page 7, " *The confidence level in the assessment of the difference in quality between groups of loans depends to a certain degree on the sample size of the loans.* " and

paragraph 0106, page 10, " *In the table of FIG. 7, use is made of a historical file spanning four years and including vintage years 1993-1996. The table shows the delinquency performance of a particular group of loans. Note that the table lists separately the results for three different types of loans, namely conforming loans, jumbo loans and government loans. In each case, it shows the probability of a loan transitioning (c) exiting, i.e. maturing and therefore being dropped from the sample of loans being considered, (d) from good to bad, (e) from good to good; and (f) from good to exit state.* "

The above excerpts disclose that the computer 124 performs the analytics that enable a selection of sample loans [assets] from each defined cluster for valuation purposes, such as if they are "bad" or "good" loans and receiving a value assigned as "bad" or "good" loans or "yes/no" answers based on the analytics performed by the computer and expert opinion by the operator.

Freeman also discloses performing an underwriting process on each sample asset using the expert opinion including determining whether each sample asset includes a combination of attributes and includes any additional attributes, analyzing each sample asset having a

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combination of attributes. and reconciling the value assigned to each sample asset having a combination of attributes (see at least paragraphs 0014-0015, page 2, "*It is also an object of the present invention to provide a system and a method which is able to dynamically and automatically evolve loan underwriting criteria. to provide a dynamic underwriting model which is capable of being implemented in a general purpose computer.*" , paragraph 0044, "*The present invention departs from the prior art by providing a dynamic underwriting method and system 30 comprising several key components Essentially, the information obtained from the subsystems 32, 34 and 36 is designed to be applied, via feedback line 38, to the decision box 14 in a manner which systemizes and provides a standardized approach to forming the decisions whether to book loans. Further, the dynamic underwriting system 30 of the present invention can also be applied via feedback line 40 to the decisional box 32 which addresses the decisions at block 32 whether to purchase loan servicing rights of loans owned by other financial institutions. Finally, the feedback line 41 provides feedback for forming the decisions identified in blocks 18 and 24.*"). The steps of combining and analyzing combination of attributes and any additional attributes, such as age of the loans, types of loans whether ARM or fixed type or conventional or jumbo or governmental or considering attributes such as LTV , etc, reconciling the value assigned to each sample asset and using the expert opinion are already analyzed and discussed above.

In view of the foregoing, the rejection of all independent claims, that is 1, 9 and 17 and also of their dependencies, 2-8, 10-16 and 18-24 is maintained.

Claim Objections

3. Claims 1-24 are objected to because of the following informalities: Claim 1 recites the limitation "sample asset" in lines 9, 11, 12, 13 and 14. There is insufficient antecedent basis for this limitation in the claim 1. In order to be consistent with the recited limitation "enable a selection of sample assets" in line 7 of claim 1 the limitations in lines 9, 11, 12, 13 and 14 should

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read as—the sample assets—instead of “ sample asset”. Claims 2, 9, 10, 17 and 18 have similar deficiencies. Since claims 3-8, 11-16 and 19-24 are dependencies of claims 1, 9 and 17 respectively they will also inherit the same deficiency. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.1 The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2-6, 10-14, and 18-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) 2-6, 10-14, and 18-22 contain subject matter, “ selecting and setting individual attributes to be used for valuing each asset included in the portfolio based on the underwriting of each sample asset” (see claims 2, 10 and 18) which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Neither the applicant indicated as how this currently amended limitation- specially the manipulative step of selecting and setting individual attributes based on the underwriting of each sample asset-is supported in the disclosure nor the examiner could find any support on scanning the disclosure. As best understood by the examiner from the disclosure (see at least pages 2-8) and already recited in claims 1, 9 and 17 that an underwriting process is performed on each sample asset of a cluster of assets wherein the clusters are defined based upon selected combination of common attributes and any additional attributes. The disclosure, as understood by the examiner, does not support the manipulative step of selecting and setting individual attributes based on the underwriting of each sample asset. Therefore, claims 2-6, 10-14 and 18-22 will be further treated on merits by interpreting

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the recited limitations in claims 1, 10 and 18 as --- selecting and setting individual attributes to be used for valuing each of the sample assets included in the portfolio for performing the underwriting process of each of the sample assets---.

4.2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-6, 12-14, and 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "based on the value assigned to each sample asset from the underwriting process" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim. Claim 1 on which claim 3 is dependent recites the limitation that the value to each of the sample assets is assigned by an expert opinion and not by the underwriting process. Therefore, it is unclear that the "value assigned " to each sample asset bears reference to claim 1 or a stand alone limitation. Claims 12 and 20 have similar deficiencies. Since claims 5-6, 13-14 and 21-22 are dependencies of claims 4, 12 and 20 respectively they will also inherit the same deficiency. Therefore, claims 4-6, 12-14 and 20-22 will be further treated on merits as best understood by the examiner by interpreting the recited limitations in claims 4, 12 and 20 as --- A method according to Claim 3 further comprising the step of valuing each asset included in each cluster based on a value assigned to each of sample asset from the underwriting process - --.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman et al. (US Pub. No: 2001/0029477); hereinafter, referred to as Freeman.

Regarding claim 1, Freeman discloses a computer-implemented method for automated underwriting of a portfolio of segmentable, financial instrument assets using a portfolio valuation system, the portfolio valuation system including a computer coupled to a database (see at least page 2, paragraphs 0011-0022. In Freeman, loans correspond to assets.), said method comprising the steps of:

Freeman discloses teaching defining clusters of assets by common attributes, wherein each defined cluster includes assets having common attributes (see at least page 2, paragraph 0017, which describes defining clusters, that is defining portfolios of loans[loans correspond to assets] based on common attributes such as "same age", paragraph 0037, page 3, which describes defining clusters, that is defining families of loans[loans correspond to assets] based on common attributes such as "conforming loans, jumbo loans, government loans", see paragraphs 0051, page 4-paragraph 0063, page 5, which describe defining clusters, that is defining portfolios of loans[loans correspond to assets] based on common attributes such as "delinquency rates, payment past due on the basis of 30 days or 60 days or 90 days, adjusted rate loans, fixed loans, LTV factors, etc").

Freeman also discloses utilizing the computer to perform analytics that enable a selection of sample assets from each defined cluster for valuation purposes and receiving at the

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computer a value assigned to each of the sample assets which is based on expert opinion, see at least following:

paragraph 0123, page 10—0125, page 11, " *The system of the present invention lends itself easily to being implemented through use of a general purpose programmable computer as illustrated in FIG. 10. Thus, the general purpose computer 124 communicates with a local database 122 The general purpose computer 124 has the usual complement of peripherals including an operator's console 126, ROM 128, RAM 130 and a hard disk 132. The computer 124 operates under control of major software blocks which perform the dynamic analysis 134 in a manner already described. The main software components are the software routines 136 which handle the development and analysisThe analytical results developed by these software subroutines or blocks 136, 138 and 140 are tabulated in the tabulation software block 150 and outputted through an output software block 152. ... Alternatively, the output may supply the results to the console 126 for visual inspection by the operator. Alternatively, the operator may program the computer 124 via the console 126 to provide yes/no answers as to whether an investment should be made or continued to be made in a particular loan portfolio,*"

paragraph 0063, page 5, " *FIG. 1B illustrates the significance of maintaining proper distinction lines between various loan instruments based on origination. Still further, each of the broad categories of conforming, jumbo and government loans are further divided (at tier 15) into ARM (adjusted rate mortgages) and fixed loans. The same is true for the next subdivision (grouping) which hierarchically separates the third tier loan groups into low LTV loans and high LTV loans....for the sample shown in FIG. 1B....*"

paragraph 0078, page 7, " *The confidence level in the assessment of the difference in quality between groups of loans depends to a certain degree on the sample size of the loans.*" and

paragraph 0106, page 10, " *In the table of FIG. 7, use is made of a historical file spanning four years and including vintage years 1993-1996. The table shows the delinquency performance of a particular group of loans. Note that the table lists separately the results for three different types of*

loans, namely conforming loans, jumbo loans and government loans. In each case, it shows the probability of a loan transitioning (c) exiting, i.e. maturing and therefore being dropped from the sample of loans being considered, (d) from good to bad, (e) from good to good; and (f) from good to exit state. "

The above excerpts disclose that the computer 124 performs the analytics that enable a selection of sample loans [assets] from each defined cluster for valuation purposes, such as if they are "bad" or "good" loans and receiving a value assigned as "bad" or "good" loans or "yes/no" answers based on the analytics performed by the computer and expert opinion by the operator.

Freeman also discloses performing an underwriting process on each sample asset using the expert opinion including determining whether each sample asset includes a combination of attributes and includes any additional attributes, analyzing each sample asset having a combination of attributes. and reconciling the value assigned to each sample asset having a combination of attributes (see at least paragraphs 0014-0015, page 2, "*It is also an object of the present invention to provide a system and a method which is able to dynamically and automatically evolve loan underwriting criteria. to provide a dynamic underwriting model which is capable of being implemented in a general purpose computer. "*, paragraph 0044, "*The present invention departs from the prior art by providing a dynamic underwriting method and system 30 comprising several key components Essentially, the information obtained from the subsystems 32, 34 and 36 is designed to be applied, via feedback line 38, to the decision box 14 in a manner which systemizes and provides a standardized approach to forming the decisions whether to book loans. Further, the dynamic underwriting system 30 of the present invention can also be applied via feedback line 40 to the decisional box 32 which addresses the decisions at block 32 whether to purchase loan servicing rights of loans owned by other financial institutions. Finally, the feedback line 41 provides feedback for forming the decisions identified in blocks 18 and 24. ").* The steps of combining and

analyzing combination of attributes and any additional attributes, such as age of the loans, types of loans whether ARM or fixed type or conventional or jumbo or governmental or considering attributes such as LTV , etc, reconciling the value assigned to each sample asset and using the expert opinion are already analyzed and discussed above.

Regarding claims 2-3, Freeman discloses the step of selecting and setting individual attributes to be used for valuing each of the sample assets included in the portfolio to perform the underwriting process on each of the sample assets and classifying the assets into clusters based on the selected individual attributes (see at least page 2, paragraph 0017, which describes selecting and setting attributes such as "same age", paragraph 0037, page 3, which describes selecting and setting attributes such as "conforming loans, jumbo loans, government loans", see paragraphs 0051, page 4-paragraph 0063, page 5, which describe selecting and setting attributes such as "delinquency rates , payment past due on the basis of 30 days or 60 days or 90 days, adjusted rate loans, fixed loans, LTV factors, etc" for classifying the assets [assets] into clusters for valuing the sample assets to carry out underwriting process as already analyzed above.).

Regarding claims, 4, 5 and 6, Freeman discloses the steps valuing each asset included in each cluster based on a value assigned to each sample asset from the underwriting process (see at least paragraph 0123, page 10—0125, page 11, " *The system of the present invention lends itself easily to being implemented through use of a general purpose programmable computer as illustrated in FIG. 10. Thus, the general purpose computer 124 communicates with a local database 122 The general purpose computer 124 has the usual complement of peripherals including an operator's console 126, ROM 128, RAM 130 and a hard disk 132. The computer 124 operates*

under control of major software blocks which perform the dynamic analysis 134 in a manner already described. The main software components are the software routines 136 which handle the development and analysisThe analytical results developed by these software subroutines or blocks 136, 138 and 140 are tabulated in the tabulation software block 150 and outputted through an output software block 152. Note: The analysis results include values which are assigned to the loans [assets], such as "bad" loans or "good loans" (see at least paragraphs 0092-0122), combining the assets based on at least one of the value of each asset and the selected individual attributes and creating a credit analyst table with the desegregated values and using the credit analyst table establish at least one asset class (see at least see at least paragraph 0009 on page 1, paragraphs 0046 and 0052 on page 4, paragraph 0063 on page 5, paragraphs 0063- 0074 and Tables I, II, III on pages 5-7, paragraph 0080 on page 7. Note: grouping of individual loans by a particular location, a particular time, payment past due by 90 days or more, loan amounts, interest rates, % of delinquency, assigning bad loans a value "1 and good loans the value "0", etc. corresponds to classifying individual assets into clusters and assigning values like "1" and "0" to bad and good loans. Individual loans correspond to individual assets. Tables I, II, and III further correspond to the claimed step of cresting a credit analyst table for one asset class, where asset class is a typical loans grouped as "Bad rate" loans.).

Regarding claim 7, Freeman discloses step of defining clusters of assets by common attributes further comprises the step of identifying clusters of assets with common characteristics using business rules (see at least paragraph 0009 on page 1, paragraphs 0046 and 0052 on page 4, paragraph 0063 on page 5, and paragraph 0080 on page 7. Note: grouping of loan portfolios by a particular location, a particular time, payment past due by 90 days or more, loan amounts, interest rates, % of delinquency, assigning bad loans a value "1

and good loans the value "0", etc. corresponds to defining clusters per common attributes as per business rules).

Regarding claim 8, Freeman suggests that in claim 1 the step of receiving at the computer a value assigned to each sample asset which is based on expert opinion further comprises the step of evaluating the assets by computer with the assistance from an experienced underwriter (see at least paragraph 0125, page 11, "*The analytical results developed by these software subroutines or blocks 136, 138 and 140 are tabulated in the tabulation software block 150 and outputted through an output software block 152. ... **Alternatively, the output may supply the results to the console 126 for visual inspection by the operator. Alternatively, the operator may program the computer 124 via the console 126 to provide yes/no answers as to whether an investment should be made or continued to be made in a particular loan portfolio,*** Also see paragraph 0094 page 10).

Regarding system and computer programmed claims 9-24, their limitations are closely parallel to the limitations of method claims 1-8 and are, therefore, analyzed and rejected on the same basis.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 6,546,375 to Pang et al discloses an apparatus and a method for rapid valuation of asset portfolios (see at least abstract) and includes utilizing computer to perform analytics that enable evaluation of assets individually (see at least col.4, lines 5-35, col.11, lines 40-65 and col.17, line 60-col.18, line 30).

(ii) US Patent 6,408,290 to Thiesson et al. discloses a computerized system utilizing algorithms and mixture of Bayesian networks which can be applied to segment a plurality of assets into clusters of common attributes (see at least col.6, line 36-col.12, line 25).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

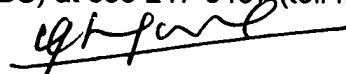
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
October 15, 2004